UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,714	07/14/2000	Mohan Ananda	81045.944	5954

22804   7590   01/17/2007

THE HECKER LAW GROUP
1925 CENTURY PARK EAST
SUITE 2300
LOS ANGELES, CA 90067

EXAMINER
GART, MATTHEW S

ART UNIT	PAPER NUMBER
3625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/616,714	ANANDA, MOHAN
	Examiner	Art Unit	
	Matthew S. Gart	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 November 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4, 7-11 and 14-38</u> is/are pending in the application.

     4a) Of the above claim(s) <u>22-37</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4, 7-11, 14-21 and 38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Prosecution History Summary

Claims 1-4, 7-11 and 14-38 are pending in the instant application.

Claims 5, 6, 12 and 13 were previously canceled.

Claims 22-37 have been withdrawn from consideration without prejudice.

Response to Amendment

The amendment filed 11/06/2006 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-4 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 1, claim 1 recites, "...modifying said first request into a modified request from said vendor computer system to said merchant computer system..." The "...from said vendor computer system to said merchant computer system..." language attempts to set forth the sending of said modified request, but does not positively recite said positive action step, such omission amounting to a gap between the modifying step and the receiving step that follows.

Claims 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 18, claim 18 recites, "...modifying said first request into a vendor request to said merchant server..." The "...into a vendor request to said merchant server..." language attempts to set forth the sending of said modified request, but does not positively recite said positive action, such omission amounting to a gap between the modifying step and the receiving step that follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 8-11, 15-21 and 38 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sharp (U.S. Patent No. 6,263,317) in view of Tobin (U.S. Patent

No. 6,141,666).

Referring to claim 1. Sharp discloses a method for providing secure electronic

commerce transactions between a user and multiple merchants comprising:

- Establishing a secure communication link between at least one client computer

  system and a vendor computer system (Sharp: at least column 3, lines 6-40);

  and

- Transmitting transaction information to said client computer system from said

  vendor computer system enabling a user at said client computer system to select

  and purchase, via said vendor computer system, items listed in a plurality of

  merchant computer systems without said user having direct access to said

  merchant computer systems (Sharp: at least column 3, lines 6-40); and

- Receiving at said vendor computer system a first request from a client computer

  system concerning an item listed on a first of said merchant computer systems

  (Sharp: column 3, lines 8-12, "The e-commerce website allows the customer to

  select among a large assortment of products from different manufacturers.").

Sharp does not explicitly disclose modifying responses.

Tobin discloses a method for providing secure transactions comprising:

- Modifying said first request into a modified request form said vendor computer system to said merchant computer system (Tobin: column 17, "...server means for presenting said HTML documents responsive to requests received by said server means across a network to said client as Web site documents which are at least partially customized in response to an identity of a source which referred said client to said network server...");

- Receiving at said vendor computer system from said first merchant computer system a first response to said modified request, said first response comprising a merchant web page comprising one or more hyper-text links (Tobin: Fig. 23);

- Modifying said first response at said vendor computer system into a modified response from said vendor computer system to said client computer system (Tobin: Fig. 23);

- Wherein said modifying said first response into said modified response comprises:

  o Modifying said one or more hyper-text links in said first response to redirect said one or more hyper-text links to said vendor computer system (Tobin: column 6, lines 55-67, "The graphic link **102** provides a jump to a Web site page detailing gift suggestions while links **103** to **106** provide jumps to Web site pages detailing specific gift offerings. Essentially, these

> links **103** to **106** are anchored to database server files which are called up
>
> by the server to form Web site pages that are customized to the
>
> requirements of any participating Internet site."); and

- o Reframing said merchant web page as a web page of said vendor
  computer system (Tobin: Fig. 23, "HomeArts Flowers & Gifts); and

- o Wherein said transmitting said transaction information comprise
  transmitting said web page of said vendor computer system to said client
  computer system (Tobin: Fig. 23, "HomeArts Flowers & Gifts).

At the time the invention was made, it would have been obvious to a person of
ordinary skill in the art to have modified the system of Sharp to have included the
teachings of Tobin as discussed because there is a need for customized marketing of
consumer services through hypertext based communications wherein the content of the
hypertext based communications is dynamically customized to take advantage of a
consumer's familiarity with a specific Internet site marketing partner (Tobin: column 2,
lines 50-55)

Referring to claim 2. Sharp further discloses a method wherein said transmitting
step further comprises:

- Generating a purchase order for said item after said user's selection of said item
  for purchase via said vendor computer system (Sharp: at least Fig. 3, "Step
  315").

Referring to claim 3. Sharp further discloses a method comprising:

- Obtaining payment from said user (Sharp: at least column 3, line 61 to column 4, line 11); and

- Transmitting payment to said first merchant on behalf of said user (Sharp: at least column 4, lines 12-28, "The order is then allocated to a supplier according to a web sales channel conflict resolution protocol specified by the manufacturer in stage 321.").

Referring to claim 4. Sharp further discloses a method wherein said payment is obtained by an operator of said vendor computer system (Sharp: at least column 6, lines 1-35, "Order list page 500 can be used by a human operator of a computer connected to server computer 110, or of server computer 110 itself, to manually allocate orders to suppliers according to a protocol specified by the manufacturer of the product being allocated.").

Referring to claim 8. Claim 8 is rejected under the same rationale as set forth above in claim 1.

Sharp further discloses monitoring an information exchange between said client computer and said plurality of merchant computer systems at said vendor computer system to obtain said transaction information (Sharp: at least column 7, lines 57-65).

Referring to claim 9. Claim 9 is rejected under the same rationale as set forth above in claim 2.

Referring to claim 10. Sharp further discloses a method wherein a vendor of said vendor computer system forwards payments to said one or more merchants for the supplied items on behalf of said user (Sharp: at least column 3, line 61 to column 4, line 11).

Referring to claim 11. Sharp further discloses a method wherein said user makes payment to said vendor for said supplied items (Sharp: at least column 3, line 61 to column 4, line 11).

Referring to claim 15. Sharp in view of Tobin discloses a method according to claim 1 as indicated supra. Tobin further discloses a method wherein said step of modifying responses occurs automatically (Tobin: at least column 3, lines 15-37 and column 5, line 46 to column 6, line 3).

Referring to claim 16. Claim 16 is rejected under the same rationale as set forth above in claim 15.

Referring to claim 17. Claim 17 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 18. Claim 18 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 19. Sharp further discloses a vendor computer system wherein said step of receiving said user request comprises identifying said merchant server from a plurality of possible merchant servers (Sharp: at least Fig. 4, "Allocate by zip code").

Referring to claim 20. Sharp further disclose a vendor computer system wherein said user request is an order request, and said step of modifying said user request into a vendor request to said merchant server comprises inserting user order information into said order request (Sharp: at least Figure 3).

Referring to claim 21. Claim 21 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 38. Claim 38 is rejected under the same rationale as set forth above in claim 1.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp (U.S. Patent No. 6,263,317) in view of Tobin (U.S. Patent No. 6,141,666) in further view of Fergerson (U.S. Patent No. 5,966,697).

Referring to claim 7. Sharp in view of Tobin discloses a method according to claim 1 as indicated supra. Sharp does not expressly disclose a method wherein said step of transmitting transaction information further comprises:

- Displaying one or more <u>icons</u> corresponding to said plurality of merchants at said client computer for user selection; and

- Providing said items listed in said merchant computer system to said user at said client computer system via said vendor computer system, in response to said user selection of at least one of said one or more <u>icons</u>.

Fergerson discloses a method wherein said step of transmitting transaction information further comprises:

- Displaying one or more icons corresponding to said plurality of merchants at said client computer for user selection (Fergerson: at least column 7, line 62 to column 8, line 6); and

- Providing said items listed in said merchant computer system to said user at said client computer system via said vendor computer system, in response to said user selection of at least one of said one or more icons (Fergerson: column 7, line 62 to column 8, line 6).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the system of Sharp in view of Tobin to have included the teachings of Fergerson as discussed above in order to provide a system and method for shopping at a variety of different vendors easily and securely (Fergerson: column 2, lines 15-26).

Referring to claim 14. Claim 14 is rejected under the same rationale as set forth above in claim 7.

Response to Arguments

Applicant's arguments filed 11/06/2006 have been fully considered but they are

not persuasive.

I.   Rejections of Claims 1-4, 8-11, 15-21 and 38

Applicant argues that Tobin does not allow for a user at a client computer system

to select and purchase, via the vendor computer system, items listed in a merchant

computer system without the user having direct access to the merchant computer

system.

In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986). Sharp, not Tobin was shown to disclose transmitting information between said

client computer system and said vendor computer system enabling a user at said client

computer system to select and purchase, via said computer system, items listed in a

merchant computer system by a plurality of merchants without said user having direct

access to said merchant computer system.

Applicant argues that Tobin does not teach or suggest modifying responses from

said merchant computer system to a client computer system to a vendor computer

system.

The Examiner notes, Tobin discloses a system for dynamically presenting HTML documents that are customized with content. Tobin further discloses a server means for presenting HTML documents responsive to requests received by said server means across a network to said client as Web site documents which are at least partially customized in response to an identity of a source which referred said client to said network server.

The Examiner further notes, Fig. 1A of Tobin shows a schematic of a typical communications network **10** including single client stations **13** and **18**. Server **21** is a PC Flower & Gifts Web server (i.e., vendor computer system). Server **21** is the host of an Internet site providing Web site pages that are dynamically customized (Tobin: column 5, lines 19-30). To implement the dynamic customization process, every HTML page is read in by server **21** and output back to the user. As the pages are output, the site "token" can be appended as a parameter to all of the links (at the vendor computer system). When the user selects these modified links, the page being referenced is read in by the vendor computer system and output back to the user (Tobin: column 10, lines 57-64).

II.   Rejections of Claims 7 and 14

The Applicant argues that claims 7 and 14 are allowable because they are dependent upon allowable base claims.

The Examiner notes, the applicant's arguments concerning the independent base claims are not persuasive as indicated supra.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MSG
Primary Examiner
January 8, 2007

MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600